

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

FEB - 1 2010

KIRK M. DOUGLAS,

Plaintiff,

v.

TOWN OF LITTLE ELM,

Defendant.

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DAVID J. MALANDRINO, CLERK  
BY  
DEPUTY \_\_\_\_\_

4:09cv266

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND ORDER OF PARTIAL DISMISSAL**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 4, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion and Brief to Dismiss Pursuant to Fed. R. Civ. P. 12<sup>(b)</sup>(~~B~~)(6) (Dkt. 17) be GRANTED and that Plaintiff's claims here under Texas Labor Code § 52.051 be dismissed.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant's Motion and Brief to Dismiss Pursuant to Fed. R. Civ. P. 12<sup>(b)</sup>(~~B~~)(6) (Dkt. 17) is GRANTED, and Plaintiff's claims here under Texas Labor Code § 52.051 are dismissed. Plaintiff's other claims against Defendant remain at this time.

**IT IS SO ORDERED.**

SIGNED this 30<sup>th</sup> day of January, 2010



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE